



Richard A. Abdoo
Chairman of the Board,
President and
Chief Executive Officer

September 10, 2001

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Milwaukee, WI 53203
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Ms. Carol Hanlon
S&ER Products Manager
U.S. Department of Energy
Yucca Mountain Site Characterization Office
P.O. Box 30307 M/S 025
North Las Vegas, NV 89036-0307

Dear Ms. Hanlon:

Wisconsin Energy Corporation is pleased to submit these comments to the Department of Energy (DOE) on the Site Recommendation for Yucca Mountain (66 FR 43850, August 2, 2001). Wisconsin Energy, through two subsidiaries, has a substantial involvement in the commercial application of nuclear power and a significant interest in timely Federal Government action to fulfill obligations under the Nuclear Waste Policy Act. Wisconsin Electric Power Company is the owner of the Point Beach Nuclear Plant and WEC Nuclear Corporation is a part owner of the Nuclear Management Company, LLC, which operates eight nuclear units in the upper Midwest.

Wisconsin Energy has reviewed the Yucca Mountain Preliminary Site Suitability Evaluation (PSSE) and has supported review of this and other scientific documents by the Electric Power Research Institute and the Nuclear Energy Institute. We have also visited the Yucca Mountain site on several occasions. We believe that DOE's results to date provide an adequate technical and legal basis for further development of Yucca Mountain as a repository. For convenience, our responses to DOE's suggested topics for public comment are attached. We also endorse the Nuclear Energy Institute's comments on Yucca Mountain site suitability.

The Executive Branch should proceed expeditiously and take all necessary actions to prepare and submit the Yucca Mountain construction license application for review by the Nuclear Regulatory Commission. In addition, the Secretary should take action separately to meet the Federal Government's legal obligation to accept used fuel on a more timely basis.

The public interest, health, and safety are best served by moving forward expeditiously with the process laid out by Congress in the Nuclear Waste Policy Act. Given the significant time and public resource investment, the public deserves to hear the views of the Secretary, the President, the State of Nevada, and if necessary, the Congress, at this time. In addition, public confidence would be further strengthened by a timely, rigorous, and independent NRC review of DOE's results and plans. Any further delay serves no useful purpose, as DOE has amply demonstrated its willingness and capability to adjust the design at Yucca Mountain where appropriate to further improve safety or reduce uncertainties.

Finally, a positive recommendation by the Secretary would signal a vote of confidence in the many people who have worked tirelessly and at great personal expense to develop the scientific, engineering, and legal basis for Yucca Mountain.

Sincerely,

Attachment

cc: Lake H. Barrett, DOE

Wisconsin Energy's Responses to DOE's
"Suggested Topics for Public Comment on Yucca Mountain"

- ◆ Please provide your views concerning whether the Yucca Mountain Preliminary Site Suitability Evaluation (PSSE) and other scientific documents produced by the Department provide an adequate basis for finding that the Yucca Mountain site is suitable for development of a repository. If you believe that certain aspects of the PSSE are inadequate, please detail the basis for this belief and indicate how the documentation might be made adequate with respect to these aspects.

Wisconsin Energy has reviewed the Yucca Mountain Preliminary Site Suitability Evaluation (PSSE) and has supported review of this and other scientific documents by the Electric Power Research Institute and the Nuclear Energy Institute. We have also visited the Yucca Mountain site on several occasions. We believe that DOE's results to date provide an adequate technical and legal basis for further development of Yucca Mountain as a repository.

- ◆ If the Secretary determines that the scientific analysis indicates that the Yucca Mountain site is likely to meet the applicable radiation protection standards established by the Environmental Protection Agency and Nuclear Regulatory Commission, do you believe that the Secretary should proceed to recommend the site to the President at this time? If not, please explain.

Yes, the Secretary should recommend the Yucca Mountain site to the President.

- ◆ Are there any reasons that you believe should prevent the President from concluding that the Yucca Mountain site is qualified for the preparation and submissions of a construction license application to the Nuclear Regulatory Commission?

No, the Executive Branch should proceed expeditiously and take all necessary actions to prepare and submit the Yucca Mountain construction license application for a rigorous and independent review by the Nuclear Regulatory Commission.

- ◆ If you believe that the Secretary should not proceed with a recommendation to develop a repository at Yucca Mountain, what mechanism should be utilized to meet the Department's legal obligation to begin accepting spent nuclear fuel and high level radioactive waste?

The Secretary should proceed with the Yucca Mountain recommendation. In addition, the Secretary should take separate action to meet the Federal Government's legal obligation to accept used fuel on a more timely basis.

- ◆ If you believe that the Secretary should not proceed with a recommendation to develop a repository at Yucca Mountain, what measures should the Nation consider for assuring safe disposal of spent nuclear fuel and high level radioactive waste?

The Secretary should proceed with the Yucca Mountain recommendation.

- ◆ Please provide any other comments concerning any relevant aspect of the Yucca Mountain site for use as a repository, or that are otherwise relevant to the consideration of a possible recommendation by the Secretary.

The public interest, health, and safety are best served by moving forward expeditiously with the process laid out by Congress in the Nuclear Waste Policy Act. Given the significant time and public resource investment, the public deserves to hear the views of the Secretary, the President, the State of Nevada, and if necessary, the Congress, at this time. In addition, public confidence would be further strengthened by a timely, rigorous, and independent NRC review of DOE's results and plans.